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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,477

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Richard N. Cameron

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BANNER & WITCOFF, LTD.

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EXAMINER

ADE, OGER GARCIA

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/840,477

Applicant(s)

CAMERON ET AL.

Examiner

Garcia Ade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-21,23 and 25-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-21,23 and 25-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 11<sup>th</sup>, 2007 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 4-21, 23, 25, 26, 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore [2003/0149662 A1] in view of Business Editors and High-Tech Writers (hereafter Business) (March 2000).

Shore discloses a computer implemented method and system for reverse-control of a wireless mobile device (700) embodied in a computer readable medium to perform the steps of: providing a vendor/product device with a computer platform [via point of purchase/sale terminal 710] coupled to a wireless transmission channel port [box (0085)]; sensing that a wireless mobile device having a man-machine interface [see paragraph 79 (via hard wired synchronization cradle or infrared interface), point of purchase/point of sale hardware, automatic teller machines (via the wireless interface) and electronic kiosks (also via the wireless interface)]; transmitting from the mobile device to the vendor device, mobile device user preference information corresponding to products offered by the vendor device [as illustrated in figure 3 (e.g. **transmitted/received**), and see paragraphs 87-89]; and transmitting from the vendor device (710) via the wireless transmission channel port [via short range data transmission] to a compatible wireless transmission channel port on a wireless mobile device [box (0109)]; and the program replace a man-machine interface software component on the mobile device while the mobile device is within the transmission radius of the vendor device as illustrated in figure 6 (eTicket System Software components), and see paragraphs 75, 83, 102-116].

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Shore further discloses the step of causing the wireless mobile device (3104) to interact wirelessly with the vendor device (3407) and a related micropayments accounting system [via micropayment system box (0470)]. The interaction with the related micropayments accounting system will cause the vendor device to provide a product or service to the holder of the wireless mobile device (via approval of transaction using micropayment account 3203).

Shore further discloses the interaction with a related micropayments accounting system will cause a charge to be made to the account of the holder of the wireless mobile device [box (0455)], and/or a charge to be made to the account of the holder of the wireless mobile device produces a debit to a prepaid digital account or aggregates the debit with other current debits to be billed to the account holder at month end [box (482) via settlement procedures as per contractual agreements].

Shore however fails to explicitly disclose a program to take control of the wireless mobile device's menuing, interaction and display functions, and taking control of the wireless mobile device when the wireless mobile device enters a range of the product device.

Business discloses Wireless Application Protocol (WAP) technology that allows a variety of handheld communication devices to connect to the Internet. WAP requires only that a simple "microbrowser" be incorporated into the mobile phone or handheld computer, because the majority of all necessary functionality is built into the communication network. This technology provides a standard data communication interface between WAP-

enabled Web sites and handheld devices, thus expanding the reach of those sites. WAP is similar to Java in that it simplifies application development. This reduces the cost of wireless application development and therefore encourages entry to the mobile industry by software developers, such as Accesspoint. When viewing a web site from a wireless device the user will see the information reformatted specifically to match the display format of the device being used.

From this teaching of Business, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless information transfers of Shore to include a program that takes control of a user's mobile device as taught by Business in order to facilitate purchase of for example a can of coke from a vending machine, all with a cell phone.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shore [2003/0149662 A1] in view of Business as applied to claim 16 above, and further in view of Wright et al. [2002/0178062 A1].

The Shore and Business combination discloses the elements of the claimed invention but fails to explicitly disclose the micropayment system is Qpass micropayment machine.

Wright et al. discloses the concept of having an electronic wallet management method that simplifies online shopping.

From this teaching of Ling, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shore and Business combination to include the Qpass system taught by

Wright et al. in order to aggregate purchases made by users so that users are only billed for their purchases on a monthly basis.

6. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shore [US 2003/0149662 A1] in view of Business as applied to claim 1 above, and further in view of Turtiainen [US 6,430,407].

The Shore and Business combination discloses the elements of the claimed invention but fails to explicitly disclose using a card reader to make anonymous payment on a mobile phone.

Turtiainen discloses the concept of utilizing the secret a SIM card on a mobile phone in electronic transaction. From this teaching of Turtiainen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Shore and Business combination to include the SIM system taught by Turtiainen in order to facilitate payment of remote transaction.

### ***Response to Arguments***

7. Applicants' arguments filed on June 11<sup>th</sup>, 2007 have been fully considered but they are not persuasive.

Applicants argue that neither Shore nor Business discloses, "displaying a list of product available for purchase". The Examiner respectfully disagrees. Shore discloses in figure 1g an LCD (Liquid Crystal Display) Screen or other display device 5b to display a list of product.

Applicants argue that Business does not discuss "a program to take control of a wireless mobile device's menuing, interaction and display

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function". The Examiner respectfully disagrees. Business discloses a Wireless Application Protocol (WAP) technology that allows a variety of handheld communication devices to connect to the Internet or takes control of a wireless mobile device's menuing to access the Internet. Business further discloses that WAP is aimed at turning mass-market mobile devices into network-based "smartphones" for example or a program that takes control of a user's mobile device in order to facilitate purchase of for example a can of coke from a vending machine or make payments over the Internet [see page 2, 3<sup>rd</sup> paragraph]. Therefore, Applicants' arguments are deemed nonpersuasive.

Applicants further argue that the Shore reference does disclose a "transmission from the mobile device". The Examiner respectfully disagrees. Shore discloses a PDA device that can transmit data using the PDA software [see paragraph 118].

Applicants argue that the Business reference is silent with respect to "automatically transmitting a program when the wireless mobile device enters a transmission range of the wireless transmission channel port". The examiner respectfully disagrees. Business discloses a DST system that automatically tailors the format and level of detail provided a web site each individual user to automatically transmitting a program when the wireless mobile device enters a transmission range of the wireless transmission channel port.

For the above reasons, it is believed that the rejections should be sustained. Therefore, Applicants arguments are deemed nonpersuasive.



**Conclusion**


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571.272.6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Garcia Ade  
Examiner  
Art Unit 3627

ga

  
Primary Examiner, AU 3627